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BRYAN WAGNER, ROSIE BLANCHE,
ROY SAUCER, BRENDA CLARK,
THOMAS DREHER, EVVA HARRIS, JANE NAOMI

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: BEXTRA AND CELEBREX
MARKETING SALES PRACTICES AND
PRODUCT LIABILITY LITIGATION

MDL NO. 1699
District Judge: Charles R. Breyer

This document relates to:

Mark Beard, et al.

Plaintiffs,

vs.

Pfizer, Inc., et al.

Defendants.

**STIPULATION AND ORDER OF
DISMISSAL WITHOUT PREJUDICE
ONLY AS TO INDIVIDUAL CASES OF
BRYAN WAGNER, ROSIE BLANCHE,
ROY SAUCER, BRENDA CLARK,
THOMAS DREHER, EVVA HARRIS
and JANE NAOMI FILED UNDER
CASE NO. 06-2474 CRB INVOLVING
MULTIPLE PLAINTIFFS**

Case No. 06-2474 CRB

STIPULATION AND ORDER OF PARTIAL DISMISSAL WITHOUT PREJUDICE

IT IS HEREBY STIPULATED AND AGREED by and between the following specific Plaintiffs Bryan Wagner, Rosie Blanche, Roy Saucer, Brenda Clark, Thomas Dreher, Evva Harris and Jane Naomi ("Plaintiffs") and Defendants Pfizer, Inc., Pharmacia Corporation and G.D.Searle, L.L.C. ("Pfizer"), pursuant to Fed. R. Civ. P. 41(a)(1), to a dismissal without

1 prejudice of the following Plaintiffs' claims which were filed in a multi-plaintiff Complaint
2 against Defendants:

- 3 1. Bryan Wagner
- 4 2. Rosie Blanche
- 5 3. Roy Saucer
- 6 4. Brenda Clark
- 7 5. Thomas Dreher
- 8 6. Evva Harris
- 9 7. Jane Naomi

10 This Stipulation and Order, however, is a partial dismissal in that it does not affect any
11 claims, counterclaims and issues by and between Defendants and the remaining Plaintiffs.

12 Specifically, the parties hereby stipulate and agree as follows:

13 1. Plaintiffs, Bryan Wagner, Rosie Blanche, Roy Saucer, Brenda Clark, Thomas
14 Dreher, Evva Harris and Jane Naomi, dismiss their individual causes of action [which were filed
15 within the Multi-Plaintiff Complaint] without prejudice.

16 2. This dismissal is voluntary and not on the merits. Plaintiffs certify that no other
17 causes of action based on these claims have been previously dismissed in any Federal or State
18 court.

19 3. Plaintiffs agree that in the event they re-file a lawsuit against Pfizer that contains
20 claims relating to Bextra® and Celebrex®, such lawsuits will be filed in a United States District
21 Court;

22 4. Plaintiffs further agree that in the event they re-file such lawsuits, any discovery
23 that has taken place or will take place in *In Re Bextra and Celebrex Marketing, Sales Practices,*
24 *and Products Liability Litigation* (MDL-1699), the MDL proceeding that has been established in
25 the United States District Court for the Northern District of California, and that is not specific to
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1 a particular plaintiff, can be used in any such lawsuit re-filed by Plaintiffs, as though Plaintiffs
2 had been parties and had an opportunity to participate in that discovery.

3 5. Each party will bear their own fees, expenses and costs.

4 Plaintiffs and Defendants agree to the above-stated conditions and the specific Plaintiffs
5 wish to dismiss their claims in the instant lawsuit without prejudice, subject to the conditions
6 stated above.

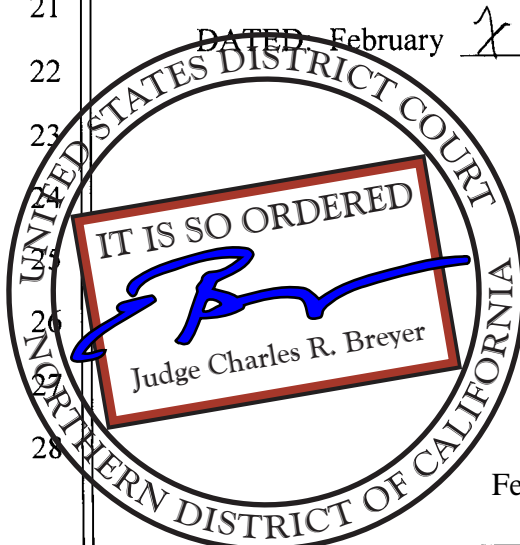
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8 WHEREFORE, the parties hereto stipulate to the dismissal of the claim of Plaintiffs
9 Bryan Wagner, Rosie Blanche, Roy Saucer, Brenda Clark, Thomas Dreher, Evva Harris and Jane
10 Naomi in the above-styled lawsuit without prejudice to re-filing, subject to the conditions stated
11 above.

12 DATED: February 7, 2007.

13 By: /s/ Christine L. DeSue
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22 Attorneys for Plaintiffs,
23 Bryan Wagner, Rosie Blanche,
24 Roy Saucer, Brenda Clark,
25 Thomas Dreher, Evva Harris
26 and Jane Naomi

27 DATED February 7, 2007.



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February 12, 2007.